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EXAMINER

THAI, HANH B

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/733,767

Applicant(s)

SEAMON, JOSEPH

Examiner

Hanh B Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 3. 6) ☐ Other: \_\_\_\_\_

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This is in response to the application filed on December 8, 2000 in which claims 1-29 are presented for examination.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

Claims 1-22 and 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Ortega et. al. (U. S. Patent no. 6,489,968).

Regarding claim 1, Ortega discloses a method of constructing a category structure within a database, the method including:

- defining a first structure of categories to classify a data item, the first structure including at least a first category (see col. 3, lines 12-18, Ortega). “first structure of categories” corresponds to “higher-level categories”.
- defining a second structure of categories to provide an alternative classification of the data item (see col. 3, lines 21-28, Ortega), the second structure including at least a second category, wherein the second category is associated with the first category. “second structure of categories” corresponds to “low-level categories”.

Regarding claim 2, Ortega further discloses defining the first and second structures of categories as respective first and second hierarchies of categories (see col. 3, lines 12-24 and col. 4, lines 43-45, Ortega).

Regarding claims 3 and 4, Ortega further discloses the first and second category is a leaf category of the first and second hierarchy of categories (see col. 4, lines 53-61, Ortega).

Regarding claim 5, Ortega further discloses defining the second category (C2, Fig. 1B) to point to the first category (C1, Fig. 1B, Ortega).

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Regarding claim 6, Ortega further discloses the second structure includes defining the second hierarchy such that navigation of the second hierarchy to locate data items classified as being attributed to the second category locates data items classified as being attributed to the first category of the first hierarchy (see col. 4, lines 43-52, Ortega).

Regarding claim 7, Ortega further discloses the data item is user classifiable under the first structure of categories (C2, Fig. 1B) and is not user-classifiable under the second structure of categories (C3, Fig. 1B, Ortega).

Regarding claim 8, Ortega further discloses the data item is directly categorized as being within the first category of the first structure of categories and is indirectly categorized as being within the second category of the second structure of categories (see col. 4, lines 53-67 and Fig. 1B, Ortega).

Regarding claim 9, Ortega further discloses defining a category table including a category record for each category of the first and second structures of categories, each category record within the category table (see col. 9, lines 59-62) including a category identifier, wherein a category record that describes the second category includes a category identifier (see col. 4, lines 20-23, Ortega) of a category record for the first category.

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Regarding claim 10, Ortega further discloses the data item is a database record describing any one of a group of products and services of a transaction facilitated by a network-based transaction facility (see col. 4, lines 23-33, Ortega).

Regarding claim 11, Ortega further discloses the network-based transaction facility is a network-based auction facility (see col. 3, lines 29-37, Ortega).

Regarding claim 12, Ortega further discloses defining a third structure of categories to provide a further alternative classification of the data item, the third structure including at least a third category, wherein the third category is associated with the first category of the first structure of categories (see col. 5, lines 34-45, Ortega).

Regarding claims 13 and 19, Ortega further discloses the first category comprises a first category path (Olympics is a path link, 110, Fig. 1A) defined in terms of the first structure of categories and the second category comprises a second category path (Little League is another path link, Fig. 1A) defined in terms of the second structure of categories.

Regarding claims 14 and 28, Ortega discloses a method of classifying a data item within a database, the method including:

- identifying a first category, of a first hierarchy of categories, attributed to a data item (see col. 1, lines 58-64, Ortega); and

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- automatically attributing a second category, of a second hierarchy of categories, to the data item (see col. 4, lines 20-23, Ortega).

Regarding claim 15, Ortega further discloses the first and second categories are associated within a description of categories within the database (see col. 4, lines 29-33, Ortega). “book title” is description of the book category.

Regarding claim 16, Ortega further discloses the first category is attributed to the data item by a user during a user classification operation and the second category is dynamically attributed to the data item during a user navigation operation of the second hierarchy of categories, wherein the dynamic attributing of the second category is performed by identification of an association between the first and second categories (see col. 4, lines 43-67 and col. 4, lines 20-33, Ortega).

Regarding claim 17, Ortega further discloses the first category is directly recorded within the database as being attributed to the data item and the second category is recorded as being linked to the first category within the database (see col. 4, lines 53-67, Ortega).

Regarding claims 18 and 26, Ortega further discloses the first and second categories are each leaf categories of the respective first and second hierarchies of categories (see col. 4, lines 59-67, Ortega).

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Regarding claims 20-21 and 29, Ortega discloses a method of facilitating location of a data item within a database, the method including:

- facilitating user-navigation of a first category structure to select a first category (see col. 1, lines 34-50, Ortega);
- identifying a second category (Outdoors/Events/Olympics) of a second category structure as being linked to the first category (Books/Sports) of the first category structure (col. 1, lines 42-57); and
- identifying data items of the second category responsive to the selection of the first category of the first category structure (see col. 1, line 58 to col. 2, line 2, Ortega).

Regarding claim 22, Ortega further discloses the presenting of the at least one user interface comprises generating at least one markup language document (250, Fig. 2).

Regarding claim 27, the method of claim 20 including communicating the identified data items within a markup language document (250, Fig. 2) transmitted over a network (Fig. 2 of Ortega).



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega et. al. (U. S. Patent no. 6,489,968) in view of Ouellette et al. (U. S. Patent no. 6,321,259).

Regarding claim 23, Ortega discloses all of the claimed subject matter as discussed above, except Ortega does not disclose any one of a group of navigation aids including a drop-down menu, a selection of check boxes, a selection of radio buttons, an embedded Java application and an embedded ActiveX control. Ouellette, however, discloses the usage of a Java application (see 154, Fig. 7 of Ouellette). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ortega to use the Java application as taught by Ouellette. The motivation of doing so would have been to enhance the web system.

Regarding claims 24-25, Ortega discloses all of the claimed subject matter as discussed above, except Ortega does not disclose the first record includes a pointer to a second record within the category table describing the second category. Ouellette, however, discloses this limitation (see col. 4, lines 21-41, Ouellette). ). It would have been obvious to one of ordinary

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skill in the art at the time of the invention to modify Ortega to include a pointer as taught by Ouellette. The motivation of doing so would have been to manage the record in the database.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 703-305-4883. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9099 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Hanh Thai *HT*  
Art Unit 2171  
February 21, 2003

  
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